

STEPHANIE L. WALKER

Name and Address

5151 HILLTOP DR

EL SOBRANTE, CA 94803

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR -6 AM 11:53
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDGAR PERRY, IN PRO PER
2540 MARKET AV.
SAN PABLO, CA 94806

Case No. 08-00787 EDL

Plaintiff / Petitioner

Document Name:

VS.

STEPHANIE L. WALKER
5151 HILLTOP DR
EL SOBRANTE, CA 94803

ANSWER

Defendant / Respondent

-Case # C08-00787-EDL

On Hilltop Dr. we have a water flow problem when it rains. Water flows onto the properties instead of going straight downhill. This problem is partially a result of the city's construction of sidewalks a few years ago. Unfortunately when the city added the asphalt sidewalks they did not properly raise the driveways at the street level to allow for proper drainage.

The water flows onto my property, onto my driveway, down the side of my house and cement patio area and through to Mr. Perry's backyard causing flooding on both properties. Water also flows under my garage door into my garage and up to Mr. Perry's front door.

My domestic partner, Anthony Rollins and I have contacted the city about this problem and they say it is nothing they can do. It was suggested that we fix the problem ourselves at a considerable cost in the thousands. We feel defeated and have tried to live with the problem, however Mr. Perry could not. Mr. Perry did ask us to put a long hay bale across our driveway but we advised him that would not work because we would constantly have to drive over it and could possibly cause damage to our vehicles. Mr. Perry then placed his own hay bale along the length of the properties, however this didn't work for him either because his family had difficulty driving over it and stepping over it. We also complained to him that our property couldn't take the extra flow of water. As a result Mr. Perry and his son-in-law, Mr. Cervantes positioned sandbags and hay bales up against my fence to redirect the flow of water from going into his backyard and front door. He has also placed sandbags next to my driveway under the wheels of an old car. The redirected water now runs along the fence creating a small river that flows against the wood foundation. This and the moisture from the wet sandbags and hay bales continuously leaning against the fence for over a year have caused the wood foundation to rot and weaken and the fence to fall over at the area where he put the sandbags. We have a pending lawsuit in small claims court regarding this matter.

In the beginning we tried to communicate the fence problem to Mr. Perry and Mr. Cervantes and asked them to remove the sandbags. They refused stating that they have a right to protect their property from flooding. We in turn put sandbags on our property to try to diffuse the situation but realizing it wasn't working we removed them. Mr. Rollins and Mr. Perry had a subsequent conversation about the sandbags and because Mr. Perry didn't like the outcome, he filed an untruthful restraining order against us which was thrown out of court. We tried to explain to Mr. Perry that the water is a long time problem and the best thing to do is to let it flow.

Mr. Perry feels that our attempts to relieve the extra flow of water because of "his " sandbags has caused flooding to his property, foundation and crawlspace. However on October 9, 2003 (before Mr. Perry owned the property), an EBMUD water main broke in the street in front of the properties. Water gushed for several hours flooding my property and crawlspace under the house. Mr Perry's property and crawlspace was flooded also. EBMUD came out to fix the leak immediately however both properties were heavily flooded for several hours causing cracks in cement, asphalt and foundation. The sandbag situation is since Mr. Perry has owned the property and is not the reason his property is damaged. I have never placed sandbags or any other water restraints on my property, especially to cause willful flooding, since I have moved here in 1988. I have never threatened, sent letters or made calls to Mr. Perry and there is no reason for him or his family to feel they are in danger.

